

Interview Summary by the Examiner

January 6, 2010

1. The supplemental amendment to Claims 1-7, filed on December, 17, 2009, has overcome the outstanding 112 1st rejection. To put the claims in condition of allowance, the examiner proposed the following amendment to the claims, and the action by applicants:

- (1) Cancel Claim 21 to overcome the outstanding 112 1st rejection.
- (2) To overcome the outstanding ODP rejections, applicants need submit TDs for US Pat. 5,843,454 and US Pat. 5,518,723.

2. If applicants accept the proposal (1) and (2) above, Claims 1-7 would be allowable. Then, the previously withdrawn Claims 11 and 12 will be rejoined. The restriction **between Group I and Group III**, as set forth in the Restriction mailed on March 29, 2006, will be withdrawn. In view of the withdrawal of the restriction requirement between Group I and III as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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3. The examiner proposed an amendment to the rejoined Claim 11 as set forth below:

Claim 11 (rejoin). A method of raising neutralizing antibodies against HIV, comprising administering to a subject an immunogenically effective amount of the immunogenic complex of Claim 1 ~~a complex of gp120 covalently bonded to a fragment of CD4 or an equivalent thereof~~ in a pharmaceutically acceptable carrier.

4. Since the rejoined Claims 11 and 12 would be rejected on the ground of ODP over US Pat. 6,328,973, the applicants need submit TD for US 6,328,973, in addition to TDs for US Pat. 5,843,454 and US Pat. 5,518,723.

5. Applicants should cancel withdrawn Claims 8-10, 13, 14 and 16-20 because they are directed to the inventions unrelated to the allowed subject matter.

6. The applicants were advised to response to this proposed amendment timely. Mr. Treloar replied that the applicants will let the examiner know if they will accept the proposal by next Tuesday 1/12/10.

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Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Peng, Ph.D. whose telephone number is 571-272-5542. The examiner can normally be reached on Tu-F, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/BO PENG/

Primary Examiner, Art Unit 1648